

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATASHA SEVERIN, *et al.*,

Plaintiffs,

v.

PROJECT OHR,

Defendant.

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED No. 10 Civ. 9696 (DLC)

DOC #:

DATE FILED: 9/11/12

DECLARATION OF JENNIFER SMITH

I, Jennifer Smith, declare under penalty of perjury:

1. I am associated with the firm Beranbaum Menken LLP, attorneys for Plaintiffs, Natasha Severin *et al.*, in the above captioned action. I submit this Declaration, pursuant to this Court's instruction on August 13, 2012, and in support of Plaintiffs' Motion to Withdraw as Counsel for opt-in Plaintiff Irina Montes.

2. Before requesting permission to withdraw, I made several attempts to contact Irina Montes by letter and by telephone.

3. Prior to June 26, 2012, I called Irina Montes at least three times and left voicemail messages requesting that she return my telephone calls. Although I subsequently heard from another client that Ms. Montes had received my voicemail messages, she did not return my telephone calls.

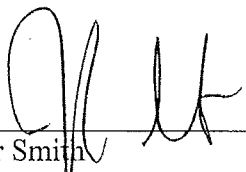
4. On July 26, 2012, I sent Ms. Montes a letter informing her that a settlement conference had been scheduled in the case that she was expected to attend, asking that she contact me as soon as possible, and noting that, failing to hear from her, I would be unable to continue to represent her. Ms. Montes did not appear at the settlement conference or otherwise respond to that letter.

5. On August 7, 2012, I sent Ms. Montes another letter advising her of my intention to request permission to withdraw as her counsel. Ms. Montes did not respond to that letter.

6. On September 7, 2012, I sent Ms. Montes a third letter informing her of the status of the litigation and that her failure to make pretrial submissions on by September 21, 2012 will result in the dismissal of her claims with prejudice.

7. As of the date of this Declaration, Ms. Montes has not responded to any of my attempts to get in touch with her.

Dated: New York, New York
September 7, 2012



Jennifer Smith